

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DAWN PATRICIA REIMERS,
a.k.a. DAWN PARKEY,
a.k.a. DAWN JARNAT
103 Sunset Drive
Algona, IA 50511

Registered Nurse License No. 617884

Respondent

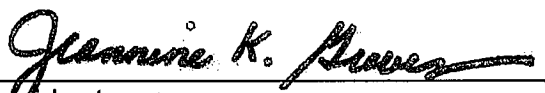
Case No. 2011-525

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter. Further the Board hereby corrects the case number referenced throughout the stipulated surrender of license and order from 2010-525 to 2011-525.

This Decision shall become effective on May 16, 2011.

IT IS SO ORDERED May 16, 2011.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-525

13 **DAWN PATRICIA REIMERS, aka DAWN**
14 **PARKEY aka DAWN JARNAT**
15 **103 Sunset Drive**
16 **Algona, IA 50511**
17 **Registered Nurse License No. 617884**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
22 Registered Nursing. She brought this action solely in her official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Sterling A.
24 Smith, Deputy Attorney General.

25 2. Respondent Dawn Patricia Reimers aka Dawn Parkey aka Dawn Jarnat is
26 representing herself in this proceeding and has chosen not to exercise her right to be represented
27 by counsel.

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1 3. On or about April 30, 2003, the Board of Registered Nursing issued Registered Nurse
2 License No. 617884 to Dawn Patricia Reimers aka Dawn Parkey aka Dawn Jarnat (Respondent).
3 The Registered Nurse License expired on January 31, 2011, and has not been renewed.

4 JURISDICTION

5 4. Accusation No. 2010-525 was filed before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on December
8 14, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
9 Accusation No. 2010-525 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 2010-525. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2010-525, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
26 License No. 617884 for the Board's formal acceptance.

9. Respondent agrees that her Registered Nurse License is subject to discipline and understands that by signing this stipulation, she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties; and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 617884, issued to Respondent Dawn Patricia Reimers aka Dawn Parkey aka Dawn Jarnat, is surrendered and accepted by the Board of Registered Nursing.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board.

5 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
6 the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall license certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2010-525 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 5. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 2010-525 shall be
18 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
19 Issues or any other proceeding seeking to deny or restrict licensure.

20 6. Respondent shall not apply for licensure or petition for reinstatement for two (2)
21 years from the effective date of the Board of Registered Nursing's Decision and Order.

22 7. Respondent shall pay the Board its costs of investigation and enforcement in the
23 amount of \$2,308.00 prior to issuance of a new or reinstated license. Respondent shall be
24 permitted to pay these costs in a payment plan approved by the Board.

25 ACCEPTANCE

26 I have carefully read the above Stipulated Surrender of License and Order. I understand the
27 stipulation and the effect it will have on my registered nursing license. I enter into this Stipulated

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1 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
2 by the Decision and Order of the Board of Registered Nursing.

3
4 DATED: 2/14/2011

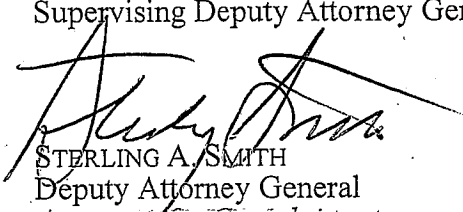

DAWN PATRICIA REIMERS aka DAWN
PARKEY aka DAWN JARNAT, Respondent

6
7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

10 DATED: 2/25/2011

KAMALA D. HARRIS
Attorney General of California
ARTHUR TAGGART
Supervising Deputy Attorney General


STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

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RECEIVED
COMPLAINTS
BHS: 2/25/2011
2/25/2011

Exhibit A

Accusation Case No. 2011-525

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2 ARTHUR D. TAGGART
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3 STERLING A. SMITH
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8 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-525*

13 **DAWN PATRICIA REIMERS,**
14 **a.k.a. DAWN PARKEY,**
15 **a.k.a. DAWN JARNAT**
16 **103 Sunset Drive**
Algona, IA 50511
Registered Nurse License No. 617884

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about April 30, 2003, the Board issued Registered Nurse License Number
23 617884 to Dawn Patricia Reimers, also known as Dawn Parkey and Dawn Jarnat ("Respondent").
24 Respondent's registered nurse license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2011, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11 . . .
12 (f) Conviction of a felony or of any offense substantially related to the
13 qualifications, functions, and duties of a registered nurse, in which event the record of
14 the conviction shall be conclusive evidence thereof . . .

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
18 person licensed under this chapter to do any of the following:

19 . . .
20 (b) Use any controlled substance as defined in Division 10 (commencing
21 with Section 11000) of the Health and Safety Code, or any dangerous drug or
22 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
23 in a manner dangerous or injurious to himself or herself, any other person, or the
24 public or to the extent that such use impairs his or her ability to conduct with safety to
25 the public the practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription,
27 consumption, or self administration of any of the substances described in subdivisions
28 (a) and (b) of this section, or the possession of, or falsification of a record pertaining
to, the substances described in subdivision (a) of this section, in which event the
record of the conviction is conclusive evidence thereof . . .

7. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions and
duties of a registered nurse is deemed to be a conviction within the meaning of this
article. The board may order the license or certificate suspended or revoked, or may
decline to issue a license or certificate, when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting
2 probation is made suspending the imposition of sentence, irrespective of a subsequent
3 order under the provisions of Section 1203.4 of the Penal Code allowing such person
4 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
5 the verdict of guilty, or dismissing the accusation, information or indictment.

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7
8 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

9 A conviction or act shall be considered to be substantially related to the
10 qualifications, functions or duties of a registered nurse if to a substantial degree it
11 evidences the present or potential unfitness of a registered nurse to practice in a
12 manner consistent with the public health, safety, or welfare . . .

13 COST RECOVERY

14 9. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Criminal Convictions)

20 10. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (f), in that Respondent was convicted of crimes which are substantially related to the
22 qualifications, functions, and duties of a registered nurse, as follows:

23 a. On or about October 3, 2003, in the criminal proceeding titled *People v. Dawn*
24 *Reimers* (Super. Ct. San Mateo County, 2003, Case No. NM330924A), Respondent pled nolo
25 contendere to violating Vehicle Code section 23152, subdivision (a) (unlawfully driving a vehicle
26 while under the influence of alcohol [DUI], a misdemeanor). The circumstances of the crime are
27 as follows: On or about May 6, 2003, an officer with the Daly City Police Department observed a
28 2003 Dodge Neon traveling westbound on Hickey Boulevard, crossing Highway 35, with no
lights on. The vehicle proceeded eastbound on Hickey and when it reached the intersection of
Hickey and Gateway, it made a right turn onto Gateway without making a complete stop prior to
the limit line. The officer affected a traffic stop on the vehicle and contacted Respondent.
Respondent had bloodshot, watery eyes and a strong odor of an alcoholic beverage emitting from
her mouth and person. Respondent told the officer that she had three rum and cokes at Celia's

1 restaurant in Daly City. The officer conducted field sobriety tests ("FST") on Respondent.
2 Respondent then voluntarily submitted to a PAS device test (breathalyzer test), which indicated
3 that she had a blood alcohol between 0.194 and 0.212%. Based on Respondent's poor
4 performance on the FST's and the readings from the PAS device, the officer placed Respondent
5 under arrest for DUI.

6 b. On or about July 29, 2010, in the criminal proceeding titled *People v. Dawn Riemers*
7 (Super. Ct. Orange County, 2010, Case No. 10WM03743 M A), Respondent pled guilty to
8 violating Vehicle Code section 23152, subdivision (b) (unlawfully driving a vehicle while having
9 a blood alcohol of .08% or more, with one prior conviction for DUI in the last 10 years, a
10 misdemeanor). The circumstances of the crime are as follows: On or about February 24, 2010,
11 an officer with the California Highway Patrol was notified by CHP dispatch of a traffic collision.
12 After arriving on scene, the officer was advised that Party #1, Respondent, had been transported
13 to Los Alamitos Hospital by ambulance. The officer went to the hospital and contacted
14 Respondent. The officer observed that Respondent had red, watery eyes and slurred speech and
15 had a strong odor of an alcoholic beverage emitting from her person. The officer conducted a
16 series of FST's on Respondent, which she was not able to perform as demonstrated. The officer
17 placed Respondent under arrest for DUI and transported her to the Westminster Area office where
18 a blood test was conducted. Respondent's blood alcohol level was determined to be 0.20%.
19 Later, the officer determined that Respondent had been driving her vehicle westbound on Katella
20 Avenue and had collided with the rear of Party #2's vehicle while Party #2 was stopped for a red
21 light at the intersection of Magnolia Avenue.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Use of Alcoholic Beverages to an Extent or in a Manner**

24 **Dangerous or Injurious to Oneself or Others)**

25 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
27 subdivision (b), in that on or about May, 6, 2003, and February 24, 2010, Respondent consumed
28 ///

1 alcoholic beverages to an extent or in a manner dangerous or injurious to herself and others, as set
2 forth in paragraph 10 above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Conviction Related to the Consumption of Alcoholic Beverages)**

5 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
6 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
7 subdivision (c), in that on or about October 3, 2003, and July 29, 2010, Respondent was convicted
8 of criminal offenses involving the consumption of alcoholic beverages, as set forth in paragraph
9 10 above.

10 **PRAYER**


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 617884, issued to Dawn
14 Patricia Reimers, also known as Dawn Parkey and Dawn Jarnat;

15 2. Ordering Dawn Patricia Reimers, also known as Dawn Parkey and Dawn Jarnat, to
16 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
17 this case, pursuant to Business and Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 12/14/10


LOUISE R. BAILEY, M.ED., RN
~~Interim~~ Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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